



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

*Seminis Vegetable Seeds, Inc.*

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

LETTUCE

'Badger'

*In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this twenty-seventh day of April, in the year two thousand and five.*

Attest:

*[Signature]*  
Commissioner  
Plant Variety Protection Office  
Agricultural Marketing Service

*[Signature]*  
Secretary of Agriculture



U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

**APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE**  
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

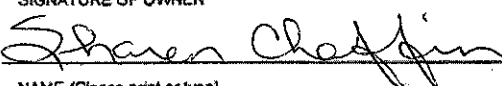
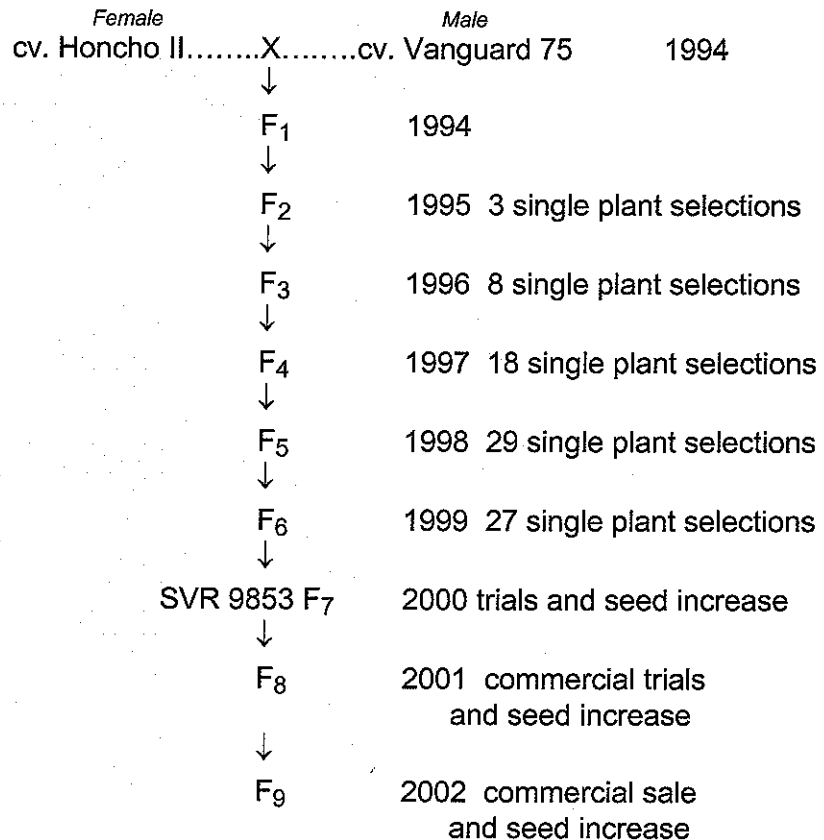
1. NAME OF OWNER <b>Seminis Vegetable Seeds, Inc.</b>		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME <b>PSR 9853</b>		3. VARIETY NAME <b>Badger</b>	
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)  <b>2700 Camino del Sol Oxnard, CA 93030-7967</b>		5. TELEPHONE (Include area code) <b>805 647 1572</b>		FOR OFFICIAL USE ONLY	
		6. FAX (include area code) <b>805 918 2545</b>		PVPO NUMBER <b>200200221</b>	
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) <b>Corporation</b>		8. IF INCORPORATED, GIVE STATE OF INCORPORATION <b>California</b>		9. DATE OF INCORPORATION <b>04-Jun-1962</b>	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers)				FILING AND EXAMINATION FEES:	
<b>Sharen Chaffin</b> <b>Seminis Vegetable Seeds, Inc.</b> <b>37437 State Hwy 16</b> <b>Woodland CA 95616</b>  <b>Marcel Bruins</b> <b>Seminis Vegetable Seeds, Inc.</b> <b>Nude 54D</b> <b>6702 DN Wageningen</b> <b>The Netherlands</b> <b>mbruins@svseeds.nl</b> <b>Ph: 31 317 450218 Fax: 31 317 450217</b>				DATE <b>8/14/2002</b>	
				CERTIFICATION FEE:	
				DATE <b>3/31/2005</b>	
11. TELEPHONE (Include area code) <b>530 669 6172</b>		12. FAX (Include area code) <b>530 666 4426</b>		13. E-MAIL <b>sharen.chaffin@seminis.com</b>	
14. CROP KIND (Common Name) <b>Lettuce</b>		15. GENUS AND SPECIES NAME OF CROP <b>Lactuca sativa</b>		16. FAMILY NAME (Botanical) <b>Compositae</b>	
17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		18. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)			
<input checked="" type="checkbox"/> a. Exhibit A. Origin and Breeding History of the Variety <input checked="" type="checkbox"/> b. Exhibit B. Statement of Distinctness <input checked="" type="checkbox"/> c. Exhibit C. Objective Description of Variety <input type="checkbox"/> d. Exhibit D. Additional Description of the Variety (Optional) <input checked="" type="checkbox"/> e. Exhibit E. Statement of the Basis of the Owner's Ownership <input checked="" type="checkbox"/> f. Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) <input checked="" type="checkbox"/> g. Filing and Examination Fee (\$2,705), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)		19. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? See Section 83(e) of the Plant Variety Protection Act <input type="checkbox"/> YES (If "yes", answer items 20 and 21 below) <input checked="" type="checkbox"/> NO (If "no", go to item 22)			
20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED		21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? IF YES, SPECIFY THE <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED NUMBER 1,2,3, etc. (If additional explanation is necessary, please use the space indicated on the reverse.)			
22. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)		23. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)			
24. The owners declare that a viable sample of basic seed of the variety will be furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.					
SIGNATURE OF OWNER 			SIGNATURE OF OWNER		
NAME (Please print or type) <b>Sharen Chaffin</b>			NAME (Please print or type)		
CAPACITY OR TITLE <b>Specialist</b>		DATE <b>8-13-02</b>		CAPACITY OR TITLE	
				DATE	

Exhibit 16A. Origin and Breeding History of Lettuce cv. Badger (SVR 9853)

## Pedigree of cv. Badger



Cv. Badger (SVR 9853) originated in 1994 with the cross cv. Honcho II by cv. Vanguard 75. Single plant selections were made in subsequent years in the areas of intended commercialization. By F<sub>7</sub> a group of 4 families was judged uniform and bulked for trialing and seed increase. An F<sub>8</sub> mass was trialed during 2001, and an increase of F<sub>9</sub> seed will be produced in the San Joaquin Valley of California this year.

The breeding work was carried out by Dr. William Waycott at the Seminis Vegetable Seed's Research Station at Arroyo Grande, California. Replicated field trials were conducted in production areas throughout the Desert Southwest of North America during 2001.

The breeding method employed was pedigree selection, using both single plant selection and mass selection practices. The selection criteria for cv. Badger were to breed a cultivar with increased uniformity, size, and weight, and improved heading ability, when compared to the most similar variety, cv. Honcho II.

In trials of cv. Badger during the **last four years covering generations F<sub>7</sub> to F<sub>11</sub>**, we have seen neither genetic variants nor off-types in more than 7,000 plants **indicating that this variety is genetically uniform and stable.**

Cv. Badger is described as a large, vigorous crisphead lettuce cultivar adapted to the desert southwest areas of North America. Its optimum sowing period is 25 September to 15 October with a harvest period from mid December to mid January in western Arizona and Southern California. Cv. Badger was selected for improved performance compared to the currently commercial cultivars grown during these production periods.

Phenotypically, cv. Badger is distinct from its most similar commercial cultivars, cv. Honcho II. Cv. Badger is larger in size compared to cv. Honcho II, slightly darker in color, larger in size and weight, and more uniform in head formation. In replicated field trials, cv. Badger consistently exhibited more plants with round, firm, heavy heads, whereas cv. Honcho II exhibited less uniformity of heading with several plants having soft or puffy heads.

Table 1. Evaluation of Badger (PSR 9853) and the most similar cultivar, Honcho II, for several important characters.

Trial No	Cultivar	Downy Mildew				Head Diam. <sup>d</sup>	Head Weight <sup>e</sup> to 15 cm <sup>f</sup>
		Rep No.	Color <sup>a</sup>	Resist. <sup>b</sup>	Plant Diam. <sup>c</sup>		
<b>Trial 1:</b> Evaluated 21 Dec 2001 Yuma, AZ	<b>Badger:</b>	Rep. 1	146A+	Suscept.	51.4±1.8	18.7±0.8	1206±5.5
		Rep. 2	146A+	Suscept.	51.1±1.4	18.6±0.9	1224±5.1
		<b>Average:</b> 146A+ Suscept. 51.3±1.6 18.7±0.9					
		Rep. 1	146A-	Suscept.	47.7±1.1	17.0±0.5	998±7.9
		Rep. 2	146A-	Suscept.	48.2±1.2	17.7±0.4	1015±8.4
<b>Honcho II:</b>	<b>Badger:</b>	<b>Average:</b> 146A- Suscept. 48.0±1.2 17.3±0.5					
		Rep. 1	146A+	Suscept.	51.3±1.7	18.6±0.9	1218±9.5
		Rep. 2	146A+	Suscept.	50.9±1.4	18.9±0.7	1209±9.7
		<b>Average:</b> 146A+ Suscept. 51.1±1.6 18.8±0.8					
		Rep. 1	146A-	Suscept.	48.0±1.2	17.2±0.4	1004±7.8
<b>Trial 2:</b> Evaluated 03 Jan 2002 Yuma, AZ	<b>Honcho II:</b>	Rep. 2	146A-	Suscept.	48.5±1.0	17.0±0.6	1017±8.2
		<b>Average:</b> 146A- Suscept. 48.3±1.1 17.1±0.5					
		Rep. 1	146A+	Suscept.	51.3±1.7	18.6±0.9	1218±9.5
		Rep. 2	146A+	Suscept.	50.9±1.4	18.9±0.7	1209±9.7
		<b>Average:</b> 146A+ Suscept. 51.1±1.6 18.8±0.8					

<sup>a</sup> Color evaluation was done using the Royal Horticultural Society color chart, U.K. The value "+" denotes that the color was slightly darker than the huge indicated as the color sample, while a "-" denotes that the color was slightly lighter than the huge of the sample indicated.

<sup>b</sup> Downy mildew survey reported as resistance to California Pathotypes I through V, using two replications each having 15 seedlings, grown in laboratory screens.

<sup>c</sup> Mean plant diameter using two sowing dates of 20 plants per replication in cm ± standard deviation.

<sup>d</sup> Mean head diameter using two sowing dates of 20 plants per replication in cm ± standard deviation.

<sup>e</sup> Mean head weight using two sowing dates of 20 plants per replication in grams ± standard deviation.

<sup>f</sup> Mean number of days until stem reaches 15 cm using two replications of 20 plants each.

OBJECTIVE DESCRIPTION OF VARIETY  
LETTUCE *Lactuca sativa*

NAME OF APPLICANT (S) <u>Semin's Vegetable Seeds</u> ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) <u>2700 Camino del Sol</u> <u>Oxnard CA 93030-7967</u>	FOR OFFICIAL USE ONLY PVPO NUMBER <u>200200221</u> VARIETY NAME <u>BADGER</u> EXPERIMENTAL DESIGNATION <u>PSR 9853</u>
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Place numbers in the boxes for the characters which best describe this variety. Measured data should be the mean of an appropriate number (at least 10) of well spaced plants. Royal Horticultural Society or any recognized color standard may be used to determine plant colors.

The location of the test area is: <u>CALIFORNIA AND ARIZONA</u>	Color System Used: <u>ROYAL HORT SOC., U.K.</u>
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1. PLANT TYPE: (See list of suggested check varieties page 4.)

<div style="border: 1px solid black; padding: 2px;">06</div>	01=Cutting/Leaf 02=Butterhead 03=Bibb 04=Cos or Romaine	05=Great Lakes Group 06=Vanguard Group 07=Imperial Group 08=Eastern (Ithaca) Group	09=Stem 10=Latin 11=OTHER
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2. SEED:

COLOR <div style="border: 1px solid black; padding: 2px; display: inline-block;">2</div> 1=White (Silver Gray) 2=Black (Gray Brown) 3=Brown (Amber)	LIGHT DORMANCY <div style="border: 1px solid black; padding: 2px; display: inline-block;">2</div> 1=Light Required 2=Light Not Required	HEAT DORMANCY <div style="border: 1px solid black; padding: 2px; display: inline-block;">1</div> 1=Susceptible 2=Not Susceptible
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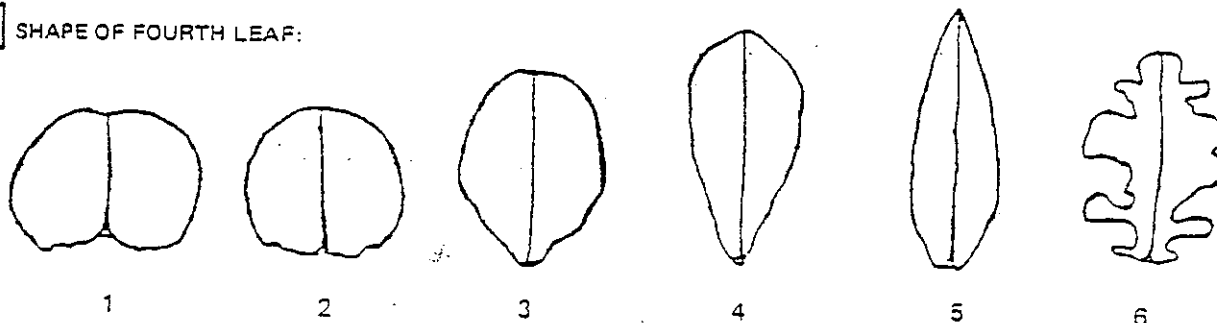
3. COTYLEDON TO FOURTH LEAF STAGE: NOTE: Provide a color photograph or photocopy of the fourth leaf from 20 day old seedling grown under optimal conditions.

3

 SHAPE OF COTYLEDONS:    1=Broad    2=Intermediate    3=Spatulate

3

 SHAPE OF FOURTH LEAF:



17

 LENGTH/WIDTH INDEX OF FOURTH LEAF: L/W x 10

<div style="border: 1px solid black; padding: 2px;">3</div> APICAL MARGIN:	1=Entire 2=Crenate/Gnawed 3=Finely Dentate	4=Moderately Dentate 5=Coarsely Dentate 6=Incised	7=Lobed 8=OTHER (specify) _____
<div style="border: 1px solid black; padding: 2px;">4</div> BASAL MARGIN:			

<div style="border: 1px solid black; padding: 2px;">3</div> UNDULATION:	1=Flat	2=Slight	3=Medium	4=Marked
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<div style="border: 1px solid black; padding: 2px;">3</div> GREEN COLOR:	1=Yellow Green	3=Medium Green	5=Blue Green	7=Gray Green
	2=Light Green	4=Dark Green	6=Silver Green	

ANTHOCYANIN:

<div style="border: 1px solid black; padding: 2px;">1</div> DISTRIBUTION:	1=Absent	3=Spotted	5=OTHER (specify) _____
	2=Margin Only	4=Throughout	

<div style="border: 1px solid black; padding: 2px;">-</div> CONCENTRATION:	1=Light	2=Moderate	3=Intense
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<div style="border: 1px solid black; padding: 2px;">1</div> ROLLING:	1=Absent	2=Present
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<div style="border: 1px solid black; padding: 2px;">1</div> CUPPING:	1=Uncupped	2=Slight	3=Markedly
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<div style="border: 1px solid black; padding: 2px;">1</div> REFLEXING:	1=None	2=Apical Margin	3=Lateral Margins
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4. MATURE LEAVES (observe harvest-mature outer leaves):

NOTE: Provide color photo of harvest-mature leaves which accurately shows color and margin characteristics.

200200221

MARGIN:

2	INCISION DEPTH: (deepest penetration of the margin)	1=Absent/Shallow (Dark Green Boston)	2=Moderate (Vanguard)	3=Deep (Great Lakes 659)
4	INDENTATION: (finest divisions of the margin)	1=Entire (Dark Green Boston)	3=Deeply Dentate (Great Lakes 659)	5=OTHER (specify)
		2=Shallowly Dentate (Great Lakes 65)	4=Crenate (Vanguard)	
2	UNDULATION OF THE APICAL MARGIN:	1=Absent/Slight (Dark Green Boston)	2=Moderate (Vanguard)	3=Strong (Great Lakes 659)
4	GREEN COLOR:	1=Very Light Green (Bibb)	3=Medium Green (Great Lakes)	5=Very Dark Green
		2=Light Green (Minetto)	4=Dark Green (Vanguard)	6=OTHER
ANTHOCYANIN (grown at or below 10 C):				
1	DISTRIBUTION:	1=Absent	3=Spotted (Calif. Cream Butter)	5=OTHER (specify)
		2=Margin Only (Big Boston)	4=Throughout (Prize Head)	
-	CONCENTRATION:	1=Light (Iceberg)	2=Moderate (Prize Head)	3=Intense (Ruby)
3	SIZE:	1=Small	2=Medium	3=Large
1	GLOSSINESS:	1=Dull (Vanguard)	2=Moderate (Salinas)	3=Glossy (Great Lakes)
2	BLISTERING:	1=Absent/Slight (Salinas)	2=Moderate (Vanguard)	3=Strong (Prize Head)
3	LEAF THICKNESS:	1=Thin	2=Intermediate	3=Thick
1	TRICHOMES:	1=Absent (smooth)	2=Present (spiny)	

5. PLANT (at market stage. Choose a comparison variety appropriate for this type.):

SPREAD OF FRAME LEAVES:

51 cm This Variety 48 cm HONCHO II (specify comparison variety)

HEAD DIAMETER (market trimmed with single cap leaf):

18 cm This Variety 17 cm HONCHO II (specify comparison variety)

3 HEAD SHAPE: 1=Flattened 3=Spherical 5=Non-Heading  
2=Slightly Flattened 4=Elongate 6=OTHER

3 HEAD SIZE CLASS: 1=Small 2=Medium 3=Large

24 HEAD COUNT PER CARTON

HEAD WEIGHT:

11215 g This Variety 11009 g HONCHO II (specify comparison variety)

4 HEAD FIRMNESS: 1=Loose 3=Firm  
2=Moderate 4=Very Firm

6. BUTT (bottom of market-trimmed head):

3 SHAPE: 1=Slightly Concave 2=Flat 3=Rounded

2 MIDRIB: 1=Flattened (Salinas) 2=Moderately Raised 3=Prominently Raised (Great Lakes 659)

7. CORE (stem of market-trimmed head):

38 mm Diameter at base of head

47 Ratio of head diameter/core diameter

Core height from base of head to apex:

25 mm This Variety 27 mm HONCHO II (specify comparison variety)

8. BOLTING (Give First Water Date 23 APR 2001):

NOTE: First Water Date is the date seed first receives adequate moisture to germinate. This can and often does equal the planting date.

Number of days from First Water Date to seed stalk emergence (summer conditions):

54 This Variety 56 HONCHO II (specify comparison variety)

4 BOLTING CLASS: 1=Very Slow 3=Medium 5=Very Rapid  
2=Slow 4=Rapid

Height of mature seed stalk:

105 cm This Variety 100 cm HONCHO II (specify comparison variety)

## 8. BOLTING cont'd.

52

Spread of Bolter Plant (at widest point):

cm This Variety

58 cmHONCHO II

(specify comparison variety)

2002002211

BOLTER LEAVES:

1=Straight

2=Curved

2

MARGIN:

1=Entire

2=Dentate

3

COLOR:

1=Light Green

2=Medium Green

3=Dark Green

BOLTER HABIT:

2

TERMINAL INFLORESCENCE:

1=Absent

2=Present

2LATERAL SHOOTS:  
(above head)

1=Absent

2=Present

1

BASAL SIDE SHOOTS:

1=Absent

2=Present

## 9. MATURITY (earliness of harvest-mature head formation):

NOTE: Complete this section for at least one season.

SEASON	Applic. 1/ #of days	Check 1/ #of days	CHECK VARIETY 2/						
Spring	<table><tr><td></td><td></td><td></td></tr></table>				<table><tr><td></td><td></td><td></td></tr></table>				
Summer	<table><tr><td></td><td></td><td></td></tr></table>				<table><tr><td></td><td></td><td></td></tr></table>				
Fall	<table><tr><td></td><td>9</td><td>8</td></tr></table>		9	8	<table><tr><td>1</td><td>0</td><td>0</td></tr></table>	1	0	0	HONCHO II
	9	8							
1	0	0							
Winter	<table><tr><td></td><td></td><td></td></tr></table>				<table><tr><td></td><td></td><td></td></tr></table>				

Give planting date(s), and location(s):

Spring

Summer

Fall

SOUTHERN CALIFORNIA, WESTERN ARIZONA 25 SEPT. TO 10 OCT.

Winter

1/ First water date to harvest.

2/ Fill in check variety name on the appropriate line.

## 10. ADAPTATION:

PRIMARY REGIONS OF ADAPTION (tested and proven adapted):

(0=Not tested

1=Not Adapted

2=Adapted)

2

Southwest (Calif., Ariz. desert)

0

West Coast

0

Northeast

0

Northcentral

0

Southeast

0

OTHER

SEASON:

1

Spring (area \_\_\_\_\_)

2Fall (area IMPERIAL VALLEY, YUMA)1

Summer (area \_\_\_\_\_)

1

Winter (area \_\_\_\_\_)

0

GREENHOUSE:

0=Not tested

1=Not Adapted

2=Adapted

1

SOIL TYPE:

1=Mineral

2=Organic

3=Both

11. DISEASES AND STRESS REACTIONS (0=Not tested; 1=Susceptible; 2=Intermediate; 3=Resistant; 4=Highly resistant; 5=Tolerant):

VIRUS

- ☒ 1 Big Vein  
☒ 1 Lettuce Mosaic  
☐ 0 Cucumber Mosaic  
☐ 0 Broad Bean Wilt  
☐ 0 Turnip Mosaic  
☐ 0 Beet Western Yellows  
☐ 0 Lett. Infectious Yellows  
☐ Other Virus \_\_\_\_\_

FUNGAL/BACTERIAL

- ☐ 0 Corky Root Rot (Pythium Root Rot)  
☒ 1 Downy Mildew (Races \_\_\_\_\_)  
☐ 0 Powdery Mildew  
☐ 0 Sclerotinia Rot  
☐ 0 Bacterial Soft Rot (Pseudomonas spp. & others)  
☐ 0 Botrytis (Gray Mold)  
☐ OTHER \_\_\_\_\_

INSECTS

- ☐ 0 Cabbage Loopers  
☐ 0 Root Aphids  
☐ 0 Green Peach Aphid  
☐ Other Insect \_\_\_\_\_

PHYSIOLOGICAL/STRESS

- ☒ 2 Tipburn  
☒ 1 Heat  
☐ 0 Drought  
☒ 4 Cold  
☐ 0 Salt  
☐ 0 Brown Rib (Rib Discoloration, Rib Blight)  
☐ OTHER \_\_\_\_\_

POST HARVEST

- ☐ 0 Pink Rib  
☐ 0 Russet Spotting  
☐ Rusty Brown Discoloration  
☐ 0 Internal Rib Necrosis (Blackheart, Gray Rib, Gray Streak)  
☐ 0 Brown Stain

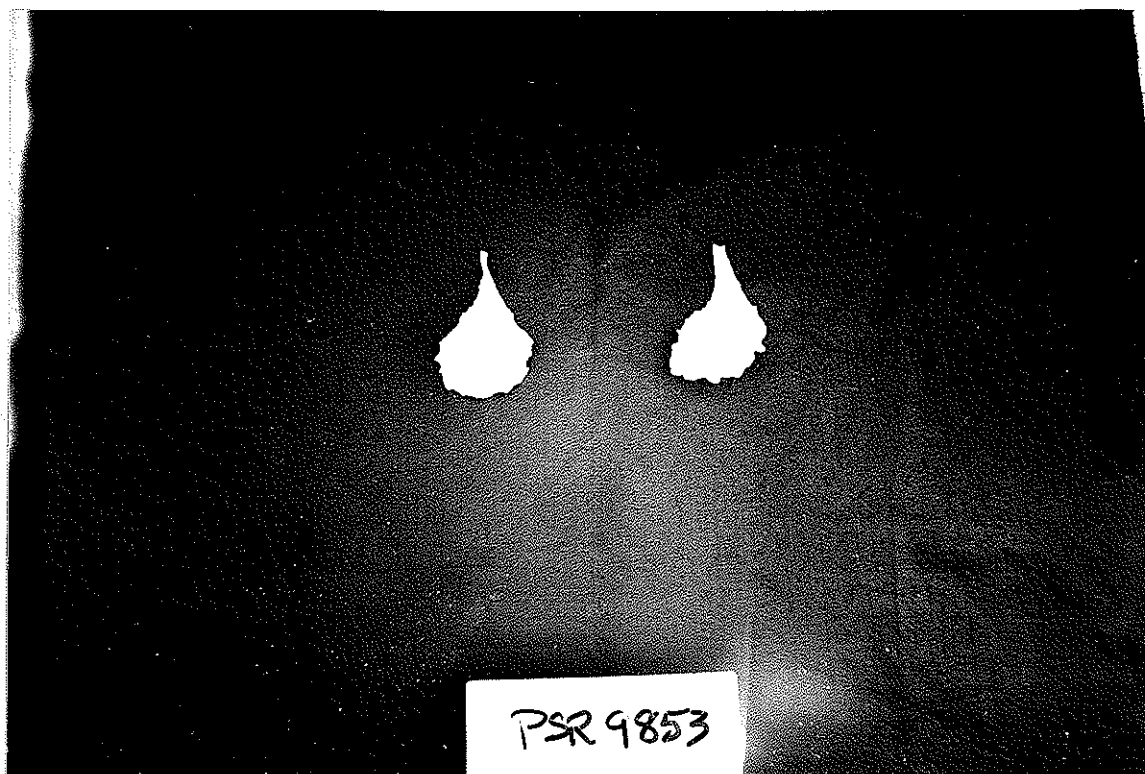
12. BIOCHEMICAL OR ELECTROPHORETIC MARKERS:

13. COMMENTS:

SUGGESTED CHECK VARIETIES

<u>TYPE</u>	<u>CHECK VARIETY</u>
1) CUTTING/LEAF	SALAD BOWL
2) BUTTERHEAD	DARK GREEN BOSTON
3) BIBB	BIBB
4) COS, OR ROMAINE	PARRIS ISLAND
5) GREAT LAKES GROUP	GREAT LAKES 659-700
6) VANGUARD GROUP	VANGUARD
7) IMPERIAL GROUP	VIVA
8) EASTERN GROUP	ITHACA
9) STEM	CELTUCE
10) LATIN	MATCHLESS

200200221



Fourth leaf from 20-day old seedlings, cv. Badger (PSR 9853)



Harvest-mature leaf, cv. Badger (PSR 9853)

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

## EXHIBIT E

## STATEMENT OF THE BASIS OF OWNERSHIP

1. NAME OF APPLICANT(S) Seminis Vegetable Seeds, Inc.	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER PSR 9853	3. VARIETY NAME Badger
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) 2700 Camino del Sol Oxnard, CA 93030-7967	5. TELEPHONE (include area code) 805 647 1572	6. FAX (include area code) 805 918 2545
7. PVPO NUMBER 200200221		

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain ☒ YES ☐9. Is the applicant (individual or company) a U.S. National or a U.S. based company? If no, give name of country ☒ YES ☐ NO10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☐ YES ☐ NO If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☐ YES ☐ NO If no, give name of country

11. Additional explanation on ownership (if needed, use the reverse for extra space):

The variety named in this application was developed by the Seminis Vegetable Seeds, Inc., employee (breeder) named below. By agreement between employee and Seminis Vegetable Seeds, Inc., all rights to any invention, discovery, or development made by an employee are assigned to the Company. No rights to such invention, discovery, or development are retained by the employee.

Employee (Breeder): Bill Waycott

Site Location: Arroyo Grande, CA

## PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 6 minutes per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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